

**TOWN OF EAST WINDSOR  
WATER POLLUTION CONTROL AUTHORITY**

**Minutes of Meeting of October 31, 2012**

**Members Present:** Paul Anderson, Tom Davis, Jim Barton, Dave Tyler and Chuck Riggott (Alternate)

**Members Absent:** Peter Pippin

**Others Present:** WPCF Superintendent E. Arthur Enderle III, Chief Operator Edward Alibozek, WPCA Attorney Vincent Purnhagen and Recording Secretary Laura Michael

**Time and Place**

Paul Anderson, Chairman, called the meeting to order at 7:00 p.m. at the WPCA Administration Building, 192 South Water St, East Windsor, CT

**I. Designate Alternate**

Mr. Riggott served as a voting member for Mr. Pippin.

**II. Added Agenda Items**

Fund transfer was added to New Business.

**III. Acceptance of Minutes of September 26, 2012**

**Motion:** To accept the minutes of September 26, 2012.  
Barton/Riggott  
Passed unanimously

**IV. Communications**

There were no new communications.

**V. Visitors**

There were no visitors.

**VI. Public Participation**

There was no public participation.

**VII. Receipt of Applications**

Balch, 248 & 250 South Main St, COM2012-004

Mr. Jay Ussery from JR Russo & Associates was present to explain this application. Balch Properties is combining 2 properties into 1; connecting to the sewer system with a new 8" lateral. There will be a caveat filed on the Land Records stating that if the lot is to be subdivided, it will be required that two separate laterals will be provided.

**Motion:** To receive the application of Jim Balch, 248 & 250 South Main St, COM2012-004.  
Tyler/Davis  
Passed unanimously

**VIII. Approval of Applications**

There were no applications to be approved.

## **IX. Unfinished Business**

### **Discussion of Financing and Charges for Wastewater Systems**

Mr. Anderson explained that he, Mr. Barton and Mr. Riggott met with the Board of Selectmen. He reported that they received a commitment from the Board of Selectmen. Mr. Barton had asked many questions and received answers but they were not included in the Selectmen's minutes. Mr. Anderson will attend the next Selectmen's meeting to request that the minutes are amended. He wants to document what was discussed. Mr. Barton reported that he asked what would happen if the plant needs an upgrade or a pump station needs to be replaced. The Board of Selectmen replied that the Town would have to bond this type of a project.

**Motion:** To suspend the regular meeting for the purpose of holding the scheduled public hearing.  
Tyler/Davis  
Passed unanimously

## **X. Public Hearing Scheduled at 7:30 p.m.**

**Motion:** To open the public hearing for Koehler, 95 North Rd and Newberry Village LLC, 68 Mourning Dove Trail.  
Tyler/Riggott  
Passed unanimously

There was no one present for Koehler, 95 North Rd. Mr. Enderle explained that this is a commercial property with a living space; Mr. Anderson explained that it was built as a residential property with an office; one half of the FCC has been paid.

There was no one present for Newberry Village LLC, 68 Mourning Dove Trail. Mr. Enderle explained that this is an active adult housing unit and half of the FCC has been paid.

**Motion:** To close the public hearing for Koehler, 95 North Rd and Newberry Village LLC, 68 Mourning Dove Trail.  
Tyler/Davis  
Passed unanimously

### **Unfinished Business - continued**

#### **Discussion of Financing and Charges for Wastewater Systems**

Mr. Barton believes that the entire Town has an obligation to support the sewer system. Mr. Barton explained that they need to be prepared before going to other Boards. The Town has gotten the impression that things have been mismanaged; he does not agree. Mr. Barton is not opposed to getting information from surrounding Towns and looking at sewer user rates and facility connection charges. Mr. Tyler stated that the WPCA has made CIP requests for the past ten years but the Town keeps cutting back. The WPCA has tried to maintain the facility and has not allowed the facility to go downhill. The Town not funding the WPCA's CIP is a road block. Mr. Barton reported that the Town budget keeps getting voted down; the WPCA has its own source of funding and is last on the Town's list of priorities.

**Roof Repairs** – not discussed

***\*Attorney Purnhagen arrived at 7:47 p.m. and remained until adjournment***

## **XI. Public Hearing Scheduled at 7:45 p.m.**

**Motion:** To open the public hearing for Leroy Hospitality, 141 Prospect Hill Rd through 214 South Main LLC, 214 South Main St.  
Tyler/Riggott  
Passed unanimously

Mr. Naresh Patel was present for Leroy Hospitality, 141 Prospect Hill Rd, Comfort Inn. Mr. Naresh explained that the hotel was built in 2004 by East Windsor Inn Inc.; he purchased the hotel in September 2007. He feels it has taken too long to send this letter. If it had been sent a year after he bought the hotel he could have asked the former owner to pay it. He didn't know anything about the three year review and doesn't believe he should have received the bill. Mr. Anderson explained that the bills go to the current property owner. He explained that there was a delay in the process because they had lost a Superintendent, had a temporary Superintendent and have a new Superintendent. Mr. Patel explained that he is new to the country, isn't good with the language and doesn't understand this. Mr. Anderson explained that the WPCA receives an engineer's estimate at the time of application. Then they look at the water records for the actual usage after three years. At this time an adjustment is made. Mr. Anderson stated that this is in the WPCA regulations.

Mr. Michael Paine and Mr. Ed Bartell were present for Cedar of New England, 45 Prospect Hill Rd, Wendy's Restaurant. Mr. Paine explained that originally there three year review was in 2008 but they had requested an extension. The notice they received in 2008 was an adjustment of \$24,970 and the notice they received in October was an adjustment of \$34,958; he wanted to know the reason for the increase. Mr. Enderle explained that they look at 12 quarters of usage and take an average. Seventy thousand gallons of water equals one EDU. Their usage went up. Mr. Paine asked the Board what they could do, could they pay the \$24,970, the adjusted amount in 2008. Mr. Paine had invoices from repairs to their irrigation system. He believes the reason for the increase is the break in the irrigation system. The line was broken and running underground. A "deduct meter" had been installed to meter the water used by the irrigation system, but the meter has not been read. Mr. Barton questioned how they could reconcile; Mr. Tyler suggested they request another extension. Mr. Paine asked if they could go back to the original adjustment. Attorney Purnhagen felt they were making a concession to the 5 EDU's. Mr. Paine explained that he was in the same situation as Mr. Patel; Wendy's built the restaurant and Cedar of New England bought it from them without knowledge of the Three Year Review. Mr. Anderson suggested putting a caveat on the Land Records.

Mr. Enderle reported that Mr. Rich Beebe, BT Properties, was unable to attend the public hearing due to a medical issue. Mr. Enderle read the letter that Mr. Beebe faxed to the WPCA office today. Mr. Beebe requested that the Board continue his public hearing until next month. He would like to request an extension and install a meter for his irrigation system.

Mr. Patel requested that the Board look at a different time frame. Attorney Purnhagen suggested going one more year out. Mr. Tyler suggested starting the review when Mr. Patel purchased the hotel. Mr. Enderle felt they should continue his public hearing to next month and review the numbers.

Mr. Jay Ussery was present for Tribble, Country Kitchen, 75 South Main St. He explained that in 2005 the restaurant was remodeled, a small expansion made and an apartment eliminated. Mr. Ussery submitted water readings detailing the "pre" and "post" construction water usage; during irrigation times, there was an increase. They would like to install a "deduct meter" and ask for an extension. Attorney Purnhagen suggested making the extension subject to installation of a meter. Mr. Tyler explained they will need to call for an inspection and an initial meter reading. Attorney Purnhagen suggested they have the meter installed and inspected prior to the end of the year.

**Motion:** To continue the public hearing to the next meeting for Leroy Hospitality, 141 Prospect Hill Rd and BT Properties LLC, 102 Winkler Rd.  
Barton/Riggott  
Passed unanimously

**Motion:** To grant the verbal request for an extension of the three year review to Tribble, 75 South Main St, subject to the installation and inspection of the “deduct meter” prior to December 31, 2012.  
Barton/Tyler  
Passed unanimously

**Motion:** To close the public hearing for 159 Prospect Hill Road LLC, 159 Prospect Hill Rd; Cedar of New England, 45 Prospect Hill Rd; 14 North Road Realty, 14 North Rd; Manual & Maria Real Estate LLC, 17 North Rd and 214 South Main LLC, 214 South Main St.  
Barton/Riggott  
Passed unanimously

## **XII. Action on Three Year Review**

**Motion:** To impose Facility Connection Charges as published with the exception of Cedar of New England which will be 5 EDU's instead of 7 EDU's.  
Barton/Riggott  
Passed unanimously

## **XIII. Action on Facility Connection Charges**

**Motion:** To impose the Facility Connection Charge as published for Koehler, 95 North Rd and Newberry Village LLC, 68 Mourning Dove Trail.  
Tyler/Riggott  
Passed unanimously

## **XIV. Legal**

Attorney Purnhagen went over questions he had regarding the Hillside Farms/Meadow Farms easements with Mr. Ussery. Attorney Purnhagen was clear with what he needed to do.

Unfinished Business - Continued

Roof Repairs – not discussed.

Policy for Collection of Delinquent Sewer User Charges

Mr. Anderson provided a draft of the Delinquent Sewer User Fees Policy. He asked Attorney Purnhagen to review it.

Benefit Assessment Policy – not discussed.

FCC Regulation Review & Interpretation – not discussed.

North Road Sewer Extension Phase II – not discussed.

Meadow Farms/Hillside Farms

This was discussed under legal.

### Pump Station Issues

Mr. Enderle reported that the two pumps for Mill St and Scantic Rd are onsite.

### **XV. New Business**

#### Superintendent's Report

Mr. Enderle's report was included in the meeting packet. Mr. Enderle informed the Board that Steve Spellman has completed a course and his certificate was included in the meeting packet. He also reported that they were the recipient of the Atlantic States Rural Water & Wastewater Associations award for Wastewater Excellence. Mr. Enderle, Mr. Anderson and Mr. Davis attended the conference and accepted the award.

Mr. Anderson explained that there is an issue with vendors charging late fees. They need to think of a method to take routine items and pay them within a 30 day period. Mr. Barton felt the ritual of paying bills was old fashioned; the bills should be paid and then reviewed at the end of the month. He felt the Chairman should be authorized to sign off on the bills.

#### Transfer

**Motion:** Transfer \$45,917.90 from Fund 10 (FCC Fund) to 2012-13 DEEP Pump Station Repair (1-11-30-0210-7-799-0925-0).  
Tyler/Davis  
Passed unanimously

### **XVI. Payment of Bills**

**Motion:** To approve the October Bill Sheet in the amount of \$108,073.19  
Davis/Tyler  
Passed unanimously

### **XVII. Adjournment**

**Motion:** To adjourn the meeting at 9:45 p.m.  
Tyler/Davis

Respectfully submitted,

Laura Michael  
Recording Secretary